

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AFFYMETRIX, INC.,

Plaintiff/Counter-
Defendant,

v.

ILLUMINA, INC.,

Defendant/Counter-
Plaintiff.

C.A. No. 04-901-JJF

REDACTED VERSION

**DECLARATION OF BARRY BELKIN IN SUPPORT OF
AFFYMETRIX, INC.'S ANSWER TO ILLUMINA'S
SUPPLEMENTAL BRIEF RE MOTION TO DISMISS COUNT 2**

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ANSWER TO ILLUMINA'S SUPPLEMENTAL BRIEF RE MOTION TO
DISMISS COUNT 2**

I, Barry Belkin, declare as follows:

1. I am President of Daniel H. Wagner Associates ("Wagner"). I have personal knowledge of all the facts contained in this declaration and, if called upon to do so, would and could testify competently thereto.

REDACTED

3. I am informed that Affymetrix, Inc., Affymax's successor-in-interest, alleges that Illumina, Inc. infringes certain claims from U.S. Patent 5,795,716 (the "'716 patent") in the present litigation. I understand that Illumina has asserted that Wagner has certain rights to the '716 patent.

REDACTED

I declare under penalty of perjury of the laws of the United States of America that
the foregoing is true and correct. Executed July 7, 2006, in Malvern, Pennsylvania.

A handwritten signature in cursive script, appearing to read "Barry Belkin", is written over a horizontal line.

Barry Belkin

CERTIFICATE OF SERVICE

I hereby certify that on August 1, 2006, I electronically filed the foregoing document using CM/ECF which will send notification of such filing(s) to the following:

Richard K. Herrmann
Morris, James, Hitchens & Williams LLP

I also certify that copies were caused to be served on August 1, 2006 upon the following in the manner indicated:

BY HAND

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